

EX PARTE MOTION FOR ISSUANCE OF GARNISHEE SUMMONS AFTER JUDGMENT; DECLARATION; NON-CONCLUSORY DECLARATION; ORDER; EXHIBIT(S); GARNISHEE SUMMONS; GARNISHEE INFORMATION;

TWO-SIDED FORM

Form #1DC29

JUL 26 12 08 PM '06

FILE
ISSUED
RETS

IN THE DISTRICT COURT OF THE FIRST CIRCUIT
KO'OLAUPOKO DIVISION
 STATE OF HAWAII

Plaintiff(s)
 GWEN E. AU Yong

Reserved for Court Use
 Paid By:

Rec #

\$

Civil No. **1RC03-1-4589**

Defendant(s)
 JASON K. BERINO BIS

Filing Party(ies)/Filing Party(ies)' Attorney (Name, Attorney Number, Firm Name (if applicable), Address, Telephone and Facsimile Numbers)

GWEN E. AU Yong
 46-255 KAHUHIPA STREET, A1202
 KANEOHE, HAWAII 96744 247-9353

Garnishee(s) (Name and Address)
 DEPARTMENT OF EDUCATION
 1390 MILLER ST., 3RD FL.
 SUPERINTENDENT'S OFFICE
 HONOLULU, HAWAII 96813

Copy of Judgment attached as Exhibit A

Current Amount Due: \$ 6,670.02

(If this amount is different from the Judgment Amount, please attach separate sheet showing calculations as Exhibit B)

EX PARTE MOTION FOR ISSUANCE OF GARNISHEE SUMMONS AFTER JUDGMENT

TO THE JUDGE OF THE ABOVE-ENTITLED COURT: Judgment Creditor(s) moves that a Garnishee Summons issue according to Law directed to the Garnishee(s) named above for:

☒ **WAGES** (including any salary, stipend, commissions, annuity or net income or portion of net income under a trust) payable to and/or earned by Judgment Debtor(s). JASON K. BERINO BIS

☒ **FUNDS/GOODS/EFFECTS/COMMISSIONS/COMPENSATION** as to Judgment Debtor(s). JASON K. BERINO BIS

If this is a garnishment for "funds" (other than wages) belonging to a Judgment Debtor(s) who is an individual and a Garnishee who is a financial institution, then the Non-Conclusory Declaration on the reverse side must be completed.

Date: 7/10/06

Signature of Filing Party(ies)/Filing Party(ies)' Attorney:

Print/Type Name: GWEN E. AU YONG

In accordance with the Americans with Disabilities Act if you require an accommodation for your disability, please contact the District Court Administration Office at PHONE NO. 538-5121, FAX 538-5233, OR TTY 539-4853 at least ten (10) working days in advance of your hearing or appointment date. For Civil related matters, please call 538-5151.

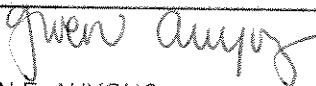
I certify that this is a full, true, and correct
 copy of the original on file in this office.

Clerk, District Court of the above Circuit, State of Hawaii

DECLARATION

I have read this Motion, know the contents and verify that the statements are true to my personal knowledge and belief. **I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF HAWAII THAT THE FOLLOWING IS TRUE AND CORRECT:**

1. I am Judgment Creditor(s) or Judgment Creditor(s)' attorney;
2. The Judgment (a copy of which is attached as Exhibit A) was entered on the date shown on said Judgment for Judgment Creditor(s) and against Judgment Debtor(s) in the sum of the Judgment Amount Due stated;
3. There is still due and owing the sum of ☐ as shown in the copy of the Judgment attached as Exhibit A or
☒ the Current Amount Due as evidenced by attached Exhibit B;
4. The Judgment has not been appealed (or if appealed, no bond has been filed), reversed, modified, set aside or satisfied except as aforesaid and otherwise remains in full force and effect; and
5. The Judgment Creditor(s) is still the owner and holder of said Judgment.
6. I am informed and believe that Garnishee(s) is indebted to Judgment Debtor(s) or is holding moneys or goods or effects of Judgment Debtor(s) for safekeeping, or is paying to Judgment Debtor(s) salaries, stipends, commissions, wages, annuities or net income or portions of net income under a trust.

Date: 7/10/06	Signature of Declarant: 
	Print/Type Name: GWEN E. AU Yong

NON-CONCLUSORY DECLARATION

1. Based on the following information, the funds sought to be garnished are not traceable to Aid to Families with Dependent Children (AFDC) grants nor are the funds traceable to funds that would be exempt from garnishment under the provisions of Federal and State laws as the judgment debtor does not receive:
 - a. AFDC benefits or funds;
 - b. unemployment benefits (Hawaii's Revised Statutes §383-163);
 - c. social security payments;
 - d. worker's compensation benefits (Hawaii's Revised Statutes §386-57); or
 - e. pension or retirement program payments exempt from garnishment under Hawaii's Revised Statutes §653-3 or 651-124.
2. I know the information in the above paragraph is true and correct based upon:
 - ☐ an examination of the Judgment Debtor or Person having knowledge conducted on _____
 - ☐ the Judgment Debtor's answer to interrogatories
 - ☐ the Judgment Debtor's deposition answers
 - ☐ the Judgment Debtor's production of documents, or
 - ☒ my personal knowledge of the Judgment Debtor (state the specific basis for your personal knowledge):
(Attach continuation page, if necessary).

I have read this Declaration, know the contents and verify that the statements are true to my personal knowledge and belief. **I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF HAWAII THAT THE ABOVE IS TRUE AND CORRECT.**

Date:	Signature of Filing Party(ies)/Filing Party(ies)' Attorney:
	Print/Type Name: GWEN E. AU Yong

ORDER

Filing Party is Ordered to provide a blank Garnishee Disclosure to all Garnishees named above. This motion is granted and IT IS ORDERED that Garnishee Summons issue according to law.

Date: JUL 26 2006	Judge of the above-entitled Court: 
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JUDGMENT

Form #1DC34

IN THE DISTRICT COURT OF THE FIRST CIRCUIT
KO'OLAUPOKO DIVISION
STATE OF HAWAII

Plaintiff(s)
GWEN E. AU Yong

JUDGMENT X (Amended 4/18/97, 8/1/97, 9/25/97)v

DEPT. OF COURT
 FIRST CIRCUIT
 CIVIL DIVISION

2003 SEP 17 P 12:30

FILED W. ARAKAWA

Reserved for Court Use

Civil No. **1RC03-1-4589**

Defendant(s)
JASON K. BERINOBIS

Filing Party(ies)/Filing Party(ies)' Attorney (Name, Attorney Number, Firm Name (if applicable), Address, Telephone and Facsimile Numbers)
 Gwen E. Auyong
 48-255 Kahuhipa Street, A1202
 Kaneohe, Hawaii 96744
 (808) 247-9353

Last Court Date: August 7, 2003

JUDGMENTJUDGMENT is entered in favor of ☒ Plaintiff(s) or ☐ Defendant(s) as follows:☐ Confession ☐ Trial ☐ Stipulation ☐ Other (Specify: _____)☒ Default: The Defendant(s) having failed to plead or otherwise defend in the above-entitled action and a default having been entered upon application of Plaintiff(s) and on the verification that Defendant(s) is indebted to Plaintiff(s).**DISCONTINUED/DISMISSED AS TO:** (LIST DEFENDANT(S)' NAMES)

Dismissal entered on _____

JUDGMENT

Principal Amount	\$	9,700.00
Interest	\$	
Attorney's Fees	\$	
Costs of Court	\$	120.00
Sheriff's Fees	\$	
Sheriff's Mileage	\$	
Other Costs	\$	
Total Judgment Amount	\$	9,820.00

Date: **SEP 17 2003**

GERALD H. KIBBE

SEAL☐ Clerk ☐ Judge of the above-entitled Court

In accordance with the Americans with Disabilities Act if you require an accommodation for your disability, please contact the District Court Administration Office at **PHONE NO. 538-5121, FAX 538-5233, OR TTY 539-4853** at least ten (10) working days in advance of your hearing or appointment date. For Civil related matters, please call 538 5151.

Default Entered Against the Above-named Defendant(s)
 on **8/7/03**

W. ARAKAWA**SEAL**

Clerk, District Court of the Above Circuit, State of Hawai'i

I certify that this is a full, true, and correct
 copy of the original on file in this office.

Clerk, District Court of the Above Circuit, State of Hawai'i

EXHIBIT "A"

Original loan: \$10,000.00

payments:

4/16/03 \$100.00

5/10/03 \$100.00

5/17/03 \$100.00

Balance: \$9,700.00

Filing fees: \$120.00

Judgment filed 9/17/03: \$9,820.00

costs: \$116.00

Garnishee payments:

Windward Community Federal Credit Union:

12/5/03 #305531 \$30.57

subtotal: \$30.57

Komohana Cleaning & Maintenance Services:

12/31/03 #5420 \$422.01

1/06/04 #5447 \$140.67

1/27/04 #5467 \$140.67

2/02/04 #5495 \$140.67

3/11/04 #5540 \$140.67

4/02/04 #5565 \$281.34

4/02/04 #5566 \$281.34

5/04/04 #5628 \$281.34

6/04/04 #5685 \$281.34

7/23/04 #5762 \$281.34

9/24/04 #5887 \$562.68

12/22/04 #5983 \$281.34

subtotal: \$3235.41

Total payments: \$3,265.98

Balance: \$6,670.02

EXHIBIT "B"

GARNISHEE SUMMONS

Form #1DC32 TWO-SIDED FORM

IN THE DISTRICT COURT OF THE FIRST CIRCUIT KO'OLAUPOKO DIVISION STATE OF HAWAI'I	Civil No. 1RC03-1-4589
Plaintiff(s) GWEN E. AUYONG	Defendant(s) JASON K. BERINOBIS

Garnishee(s) (Name and Address) ☐ Check here if Federal Agency

DEPARTMENT OF EDUCATION
 1390 MILLER ST., 3RD FLOOR
 SUPERINTENDENT'S OFFICE
 HONOLULU, HAWAII 96813

GARNISHEE SUMMONS

TO: ANY OFFICER IN HAWAI'I AUTHORIZED TO MAKE SERVICE

You are COMMANDED to leave a true and attested copy of this Summons and Order with each above named Garnishee(s).

TO: GARNISHEE(S)

You, as Garnishee(s), are SUMMONED and required to appear personally before the Judge presiding in the above-entitled proceeding at the Court designated by the checked box on the reverse side. If you are a Federal Agency, you have thirty (30) days to respond. (5 U.S.C. §5520a(d))

OR you may instead file a written disclosure in the above-entitled Division, and send a copy of it to Plaintiff(s) or Plaintiff(s)' attorney.

Your disclosure **must** be made under Oath. It **must** state whether you have, or at the time of service:

a. Had any of the goods or effects of the Defendant(s) in your hands and, if so, their nature, amount and value.

OR

b. Were or are indebted to the Defendant(s) and, if so, the nature and the amount of the debt.


OR

c. Defendant(s) was in receipt from you or any salary, wages, commissions, stipend, annuity, net income or a portion of net income under a trust and, if so, the amount or rate thereof.

You, as Garnishee(s), are ORDERED to hold and secure from the time of service of this summons, and until further ordered by the Court an amount of money which shall not exceed 120% of the amount of the judgment indicated above, including costs and interest, as provided by Hawai'i Revised Statutes §652 & §653.

***SEE FEDERAL WAGE GARNISHMENT LAW FOR APPLICABLE RESTRICTIONS. (Attached form entitled "Garnishee Information")**

This summons shall not be personally delivered between 10:00 p.m. and 6:00 a.m. on premises not open to the public, unless a Judge of the above-entitled Court permits, in writing on this summons, personal delivery during those hours.

Date: JUL 26 2006	Clerk of the above-entitled Court 
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Hawai'i Revised Statutes §652-9. GARNISHEE MAY BE HEARD ON NOTICE TO PLAINTIFF.

Whenever any person summoned as a garnishee may be desirous of so doing, the person may apply to the district judge or any judge of the Court from which the summons may have issued, and the judge having caused reasonable notice to be given to the Plaintiff in action, shall proceed to take the deposition of the person thus summoned, and make such order as may be proper in the premises, at any time previous to the date appointed for hearing the cause, and the person summoned as garnishee, shall be taken to have obeyed the summons.

If it appears that there are conflicting claims to any moneys held for safekeeping, debt, goods, or effects in the garnishee's hands, any time after the summons is served the garnishee may be permitted upon order of the judge to pay into the Court any moneys held for safekeeping, debts, goods, or effects in the garnishee's hands, less any reasonable costs and attorney's fees allowed by the judge and the garnishee will thereupon be discharged.

With or without payment into Court, any garnishee may, where there are conflicting claims to any moneys held for safekeeping, debt, goods, or effects in the garnishee's hands of any amount, make application for an interpleader order and the judge shall thereupon make all orders as appear to be just and reasonable.

COURT DATE AND ADDRESSES:

- ☐ **Honolulu Division, 1111 Alakea Street, 10th Floor Courtrooms 10A or 10B, Honolulu, Hawai'i**, at 1:30 p.m. on the second Monday following date of service, and should said Monday be a legal holiday then upon the next business day.
- ☐ **'Ewa Division, 870 Fourth Street, Pearl City, Hawai'i**, at 8:30 a.m. on the second Friday following date of service, and should said Friday be a legal holiday then upon the next Friday.
- ☒ **Ko'olaupoko OR Ko'olaupoko Division, 45-939 Po'okela Street, Kāne'ohe, Hawai'i**, at 8:30 a.m. on the second Thursday following date of service, and should said Thursday be a legal holiday then upon the next Thursday.
- ☐ **Wahiawā OR Waialua Division, 1034 Kilani Avenue, Wahiawā, Hawai'i**, at 9:00 a.m. on the second Wednesday following date of service, and should said Wednesday be a legal holiday then upon the next Wednesday.
- ☐ **Wai'anae Division, 87-1784 Farrington Highway, Nānākuli, Hawai'i**, at 9:00 a.m. on the second Tuesday following date of service, and should said Tuesday be a legal holiday then upon the next Tuesday.

Mailing address for the above Courts: **1111 Alakea Street, Civil Division, Third Floor, Honolulu, Hawai'i 96813.**

In accordance with the **Americans with Disabilities Act** if you require an accommodation for your disability, please contact the District Court Administration Office at PHONE NO. 538-5121, FAX 538-5233, or TTY 539-4853 at least ten (10) working days in advance of your hearing or appointment date. For Civil related matters, please call 538-5151.

GARNISHEE DISCLOSURE

Form #1DC26

IN THE DISTRICT COURT OF THE FIRST CIRCUIT <u>KO'OLAUPOKO</u> DIVISION STATE OF HAWAI'I	
Plaintiff(s) GWEN E. AUYONG	Reserved for Court Use Court Date: Garnishee Fee paid # \$
Defendant(s) JASON K. BERINOBI	
Garnishee/Garnishee's Attorney (Name, Attorney Number, Firm Name (if applicable), Address, Telephone and Facsimile Numbers) DEPARTMENT OF EDUCATION 1390 MILLER ST., 3RD FLOOR SUPERINTENDENT'S OFFICE HONOLULU, HAWAII 96813	Civil No. 1RC03-1-4589 Judgment Creditor(s)/Judgment Creditor(s)' Attorney GWEN E. AUYONG
Garnishee's Name and Address: DEPARTMENT OF EDUCATION 1390 MILLER ST., 3RD FL., HONOLULU, HI 96813	
Judgment Debtor(s): JASON K. BERINOBI	
<p align="center">GARNISHEE DISCLOSURE</p> <p>Garnishee above named, and in response to Garnishee Summons served on it, discloses that at the time of service of Garnishee Summons:</p> <p><input type="checkbox"/> 1. Garnishee DID NOT have any goods or effects of Judgment Debtor(s) in its hands, Garnishee was not indebted to Judgment Debtor(s), Garnishee did not have any monies of Judgment Debtor(s) in its possession for safekeeping, or Judgment Debtor(s) did not owe any wages (including any salary, stipend, commissions, annuity or net income or portion of net income under a trust) or was not in receipt of any wages from Garnishee except as follows:</p> <p><input type="checkbox"/> 2. Garnishee DID have goods or effects of Judgment Debtor(s) in its hands, Garnishee was indebted to Judgment Debtor(s), Garnishee did have monies of Judgment Debtor(s) in its possession for safekeeping, or Judgment Debtor(s) did owe wages or was in receipt of wages (including any salary, stipend, commissions, annuity or net income or portion of net income under a trust) from Garnishee except as follows:</p> <p>I have read this Disclosure, know the contents and verify that the statements are true to my personal knowledge and belief. I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF HAWAI'I THAT THE ABOVE IS TRUE AND CORRECT.</p> <p>Mail to 1111 Alakea Street, Civil Division, Third Floor, Honolulu, Hawai'i, 96813.</p> <p>In accordance with the Americans with Disabilities Act if you require an accommodation for your disability, please contact the District Court Administration Office at PHONE NO. 538-5121, FAX 538-5233, or TTY 539-4853 at least ten (10) working days in advance of your hearing or appointment date. For Civil related matters, please call 538-5151.</p>	
Date:	Signature of Garnishee/Garnishee's Attorney: Print/Type Name and Title/Relationship to Garnishee:

GARNISHEE INFORMATION

IDC27 TWO-SIDED FORM

NOTICE TO THE DEBTOR

PLEASE TAKE NOTICE that a garnishee summons has been served upon your employer (who is called the "garnishee") **without any further court proceedings or notice to you.** The garnishee summons was issued on the basis of a judgment against you in favor of the judgment creditor.

The amount of wages that may be garnished is limited by federal and Hawai'i law. Therefore, some or all of your wages are exempt from garnishment. If your wages are garnished, you may request that your employer show you how the amount garnished was calculated. In addition, the judgment creditor is required to provide your employer with duplicate receipts for wages garnished.

If the judgment creditor fails to provide your employer with duplicate receipts for wages garnished, you have a right to request a hearing. In this case, the judgment creditor may be required to forfeit the amounts garnished without the furnishing of duplicate receipts. In order to request a hearing you must follow the procedures set forth in the rules of this Court and in Hawai'i Revised Statutes Section 652-14.

If you claim the garnishment is incorrect you also have a right to request a hearing. In order to request a hearing, you must follow the procedures set forth in the rules of this Court and in Hawai'i Revised Statutes Section 652-1(d).

NOTICE TO THE GARNISHEE

Wages of your employees may be subject to garnishment when you are served with an Ex Parte Motion for Issuance of Garnishee Summons After Judgment or an Affidavit of Judgment Creditor for Garnishment of Wages. If you are served with a Garnishee Summons, you, as the garnishee, are required to begin withholding immediately a part of your employee's wages (including any salary, stipend, commission, annuity or net income or portion of net income under a trust). The money you withhold must then be paid to the judgment creditor(s) (the person or business who is owed the money) or the judgment creditor(s)' attorney **after** you receive the garnishee order, which will be sent to you. If you are served with an Affidavit of Judgment Creditor(s), you must begin paying the required portion of the garnished wages to the judgment creditor(s) or the judgment creditor(s)' attorney immediately.

Making a Disclosure

State law allows, but does not require, you to make a disclosure after you are served. If you choose to make a disclosure, you may appear in Court or file with the Court a statement (form available from the Court) indicating whether the judgment debtor(s) is: (1) your employee; and (2) whether you have any money which is due to the judgment debtor(s) which can be garnished. *If you do not make a disclosure, it will be assumed that the judgment debtor is your employee and you will be required to comply with the Garnishee Summons and Order or the Affidavit of Judgment Creditor(s).*

Amounts To Be Withheld

The amount of wages that may be deducted is limited by federal and Hawai'i law. Therefore, you must calculate the amount of wages to be withheld in accordance with either federal or Hawai'i law. **IMPORTANT: YOU MUST USE THE CALCULATION THAT IS MOST FAVORABLE TO YOUR EMPLOYEE.** A Garnishment Calculation Worksheet is available from the Court if you need assistance with your calculation.

Calculation Pursuant to Hawai'i Law: According to Hawai'i Revised Statutes Chapter 652, the amount to be withheld from your employee's wages is calculated as follows:

- (1) You must first calculate **the amount of wages remaining after the deduction of any amounts required by law to be withheld.**
- (2) From that amount, you must withhold five percent of the first \$100 per month, ten percent of the next \$100 per month, and twenty percent of all sums in excess of \$200 per month, or an equivalent portion of the above amount per week.

EFFECTIVE SEPTEMBER 1, 1997	Weekly	Bi-Weekly	Semi-Monthly	Monthly
Use Hawai'i garnishment formula if employee's income, after deductions, is equal to or greater than:	\$181.91	\$371.91	\$402.81	\$805.61

Calculation Pursuant to Federal Law: According to Title III of the Consumer Credit Protection Act (15 U.S.C. § 1673), the amount to be withheld from your employee's wages is calculated as follows:

- (1) You must first calculate your employee's **DISPOSABLE EARNINGS** for the applicable pay period. The term "**DISPOSABLE EARNINGS**" is defined as compensation paid or payable for personal services **after deducting any amounts required to be withheld by law** (such as taxes). The amount of Disposable Earnings subject to garnishment is determined by the restrictions which are in effect at the time such earnings are paid or payable.
- (2) From the **DISPOSABLE EARNINGS**, you must withhold an amount for the applicable pay period as follows:

EFFECTIVE SEPTEMBER 1, 1997

Weekly	Bi-Weekly	Semi-Monthly	Monthly
\$154.50 or less: None	\$309.00 or less: None	\$334.75 or less: None	\$669.49 or less: None
More than \$154.50 but less than \$206.00: Amount above \$154.50	More than \$309.00 but less than \$412.00: Amount above \$309.00	More than \$334.75 but less than \$446.33 Amount above \$334.75	More than \$669.49 but less than \$892.65: Amount above: \$669.49
\$206.00 or more: Maximum 25 %	\$412.00 or more: Maximum 25 %	\$446.33 or more: Maximum 25 %	\$892.65 or more: Maximum 25 %

Example: Employee's gross pay is \$210 per week, \$165.78 "disposable" after taxes and other deductions required by law.

Hawai'i Calculation: The amount to be withheld under Hawai'i law is based on monthly disposable earnings of \$718.38 (\$165.78 x 52/12). Of this amount, 5% of the first \$100, 10% of the second \$100, and 20% of the remaining \$518.38, should be withheld monthly, for a total of \$118.68 per month.

Federal Calculation: The amount to be withheld weekly under federal law is either the amount of disposable earnings over \$154.50 (\$11.28), or 25% of disposable earnings if they are more than \$206, for a total of \$11.28 per week or \$48.89 per month.

Amount to Be Withheld: Because the federal calculation is more favorable to the employee, \$48.89 per month must be withheld.

Example: Employee's gross pay is \$300 per week, \$227.20 "disposable" after taxes and other deductions required by law.

Hawai'i Calculation: The amount to be withheld under Hawai'i law is based on the monthly disposable earnings of \$984.55 (\$227 x 52/12). Of this amount, 5% of the first \$100, 10% of the second \$100, and 20 % of the remaining \$748.55 should be withheld, for a total of \$171.99 per month.

Federal Calculation: The amount to be withheld weekly under federal law is **either** the amount of disposable earnings over \$154.50, or 25% of disposable earnings if they are more than \$206, for a total of \$56.80 per week or \$246.14 per month.

Amount to Be Withheld: Because the Hawai'i calculation is more favorable to the employee, \$171.91 per month, or \$39.67 per week, must be withheld.

Other Information

The law prohibits an employer from discharging any employee because the employee's wages have been subjected to garnishment.

An employer's obligation to withhold is continuing. If there is a period where the employee has not earned sufficient income, you must begin to withhold again as soon as the earnings of your employee increase sufficiently.

Prior to making the final payment, you should contact the judgment creditor(s) or the judgment creditor(s)' attorney to obtain the final payoff amount which may include additional interest as allowed by law.

In accordance with the **Americans With Disabilities Act**, if you require an accommodation or assistance with your court hearing, please contact the District Court Administration Office at PHONE NO. 538-5121, FAX 538-5233, or TTY 539-4853 at least ten (10) working days in advance of your hearing or appointment date. For Civil related matters, please call 538-5151.
GARNINFO.27 (6/15/98)

GARNISHMENT CALCULATION WORKSHEET

IDC27C
TWO-SIDED FORM

To determine the amount, if any, that can be garnished from a single paycheck, take the amount of disposable earnings on line 4 of this Disposable Earnings Worksheet and perform the calculations according to both the Hawai'i Law and Federal Law using the Hawai'i Law Garnishment Worksheet and the Federal Law Garnishment Worksheet. Compare the two amounts, then use the *smaller* amount. If the *smaller* amount is zero, then no garnishment can be made from this particular paycheck.

Disposable Earnings Worksheet							
Enter amounts for one pay period only , according to frequency of pay schedule.	WEEKLY (52 /year)		EVERY TWO WEEKS (26/year)		TWICE MONTHLY (24/year)		MONTHLY (12/yr)
1. Gross pay	\$		\$		\$		\$
2. Mandatory Deductions			\$		\$		
FICA	\$		\$		\$		
State tax	\$		\$		\$		
Federal Tax	\$		\$		\$		
Medicare	\$		\$		\$		
Union dues, only if required by law	\$		\$		\$		
3. Subtotal, Mandatory Deductions.	\$		\$		\$		\$
4. Disposable Earnings Subtract line 3 from line 1. Take this amount and enter on lines 1 of Hawai'i Law and Federal Law Garnishment Worksheets	\$		\$		\$		\$

See Reverse Side for Hawai'i Law and Federal Law Worksheets

In accordance with the **Americans With Disabilities Act**, if you require an accommodation or assistance with your court hearing, please contact the District Court Administration Office PHONE NO. 538-5121, FAX 538-5233, or TTY 539-4853 at least ten (10) working days in advance of your hearing or appointment date. For Civil related matters, please call 538-5151.

Hawai'i Law Garnishment Worksheet

Enter amounts for one pay period only , according to frequency of pay schedule.	Weekly (52/yr)	Every Two Weeks (26/yr)	Twice Monthly (24/yr)	Monthly (12/yr)
1. Enter amount from line 4, Disposable Earnings Worksheet	\$	\$	\$	\$
2. Multiply by this amount; place answer on line 3	x52	x26	x24	
3. Annual equivalent Disposable Earnings	\$	\$	\$	
4. Divide amount on line 3 by 12 months; enter answer on line 5	÷12	÷12	÷12	
5. Monthly Equivalent Disposable Earnings	\$	\$	\$	Amt. on line 1
6. Subtract 1st \$200 of Monthly Equivalent Disposable Earnings from amount on line 5; enter answer on line 7	-\$200.00	-\$200.00	-\$200.00	-\$200.00
7. Disposable earnings in excess of \$200 per month	\$	\$	\$	\$
8. Multiply amount on line 7 by 20%; enter answer on line 9	x 0.20	x 0.20	x0.20	x 0.20
9. Garnishment on disposable earnings in excess of \$200 per month	\$	\$	\$	\$
10. Garnishment on first \$200 disposable earnings per month. Add this amount to amount on line 9. Enter answer on line 11.	+\$15.00	+\$15.00	+\$15.00	+\$15.00
11. Total monthly garnishment	\$	\$	\$	\$
To determine the amount, if any, to garnish from one paycheck, perform the calculations below for the correct pay period.				
12. Multiply the amount on line 11 by 12 months; enter answer on line 13	x 12	x 12	x 12	
13. Annual equivalent amount of garnishment	\$	\$	\$	
14. Divide the amount on line 13 by the number of pay periods per year; enter answer on line 15	÷52	÷26	÷24	
15. Garnishment amount for this pay period				Amt. on line 11
16. Compare amount on line 15 with amount on line 2 of Federal Law Garnishment Worksheet and use the smaller amount . If smaller amount is zero or less, do not garnish any amount from this pay period.				

Federal Law Garnishment Worksheet

1. Enter amount from line 4 of Disposable Earnings Worksheet . \$ _____			
2. Choose the column below that applies to the pay period to find the amount that can be garnished. \$ _____			
Weekly (52/yr)	Every Two Weeks (26/yr)	Twice Monthly (24/yr)	Monthly (12/yr)
\$154.50 or less: None	\$309.00 or less: None	\$334.75 or less: None	\$669.49 or less: None
More than \$154.50 but less than \$206.00: Amount above \$154.50	More than \$309.00 but less than \$412.00: Amount above \$309.00	More than \$334.75 but less than \$446.33: Amount above \$334.75	More than \$669.49 but less than \$892.65: Amount above \$669.49
\$206.00 or more: Maximum 25%	\$412.00 or more: Maximum 25%	\$446.33 or more: Maximum 25%	\$892.65 or more: Maximum 25%
3. Compare the amount from step 2 with the amount on line 15 of Hawai'i Law Garnishment Worksheet and use the smaller amount . If the smaller amount is zero or less, do not garnish any amount from this pay period.			

RETURN OF SERVICE; ACKNOWLEDGMENT OF SERVICE

TWO-SIDED FORM

Form #1DC47

**IN THE DISTRICT COURT OF THE FIRST CIRCUIT
KO'OLAUPOKO DIVISION
STATE OF HAWAII**

Plaintiff(s)

GWEN E. AUYONG

Defendant(s)

JASON K. BERINOBIS

Reserved for Court Use

Court Date:

Civil No. **1RC03-1-4589**

Requestor(s)/Requestor(s)' Attorney (Name, Attorney Number, Firm Name (if applicable), Address, Telephone and Facsimile Numbers)

Gwen E. Auyong
46-255 Kahuhipa Street, A1202
Kaneohe, HI 96744
247-9353

DOCUMENT(S) SERVED:

Ex Parte Motion for Issuance of Garnishee Summons After Judgment; Declaration; Non-Conclusory Declaration; Order; Exhibits "A-B"; Garnishee Summons; Garnishee Information; Garnishee Disclosure

NAME OF PARTY SERVED:

Department of Education

ADDRESS WHERE SERVED:

1390 Miller St., 3rd Fl.
Honolulu, Hawaii 96813

DATE SERVED: 7/28/06

MILEAGE: \$ 8

TIME OF SERVICE: 11:50 A.M.

NUMBER OF MILES TRAVELED:

☒ FULL OR ☐ PARTIAL RETURN OF SERVICE

I have read this Return of Service, know the contents and verify that the statements are true to my personal knowledge and belief. I **DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF HAWAII THAT THE FOLLOWING IS TRUE AND CORRECT:**

I, ☐ Deputy Sheriff, or ☐ Police Officer of the State of Hawaii, or ☒ person who is not a party and is not less than 18 years of age, do certify that I received a certified copy of the documents listed above and that I served same on the Party Served above on the Date and Time of Service and at the Address listed above within the State of Hawaii as listed on the reverse:

(continued on reverse side)

Signature: *Jasmine Auyong*

46-255 KAHUHIPA ST A 1202
Kaneohe, HI 96744

Print/Type Name: *Jasmine Auyong*

Print/Type Address, Telephone and Facsimile Numbers:

ROS.2XX (Amended 4/18/97)v

SEE REVERSE SIDE

I certify that this is a full, true, and correct
copy of the original on file in this office.

Clerk, District Court of the above Circuit, State of Hawaii

☒ FULL OR ☐ PARTIAL RETURN OF SERVICE (continued)

☐ **PERSONAL:** By delivering to and leaving with _____, personally.

☐ **SUBSTITUTE:** [District Court Rules of Civil Procedure 4(d)(1)(i)] After due and diligent search and inquiry, I served the named party through _____

_____ a person of suitable age and discretion then residing at said party's usual place of abode, since the party could not be found.

☐ **SUBSTITUTE:** [District Court Rules of Civil Procedure 4(d)(1)(ii)] I served the named party through _____ authorized agent to receive service of process for said party.

☐ **BUSINESS/CORPORATION/GOVERNMENTAL ENTITY:** I served (name of business/corporation/entity) _____ through _____, who is the (position/title) _____ and who is the authorized agent to accept service for said Business/Corporation/Governmental Entity.

☒ **GARNISHMENT:** I served (Name of Garnishee) Department of Education through Gail Muneoka, who is the (position/title) Clerk Typist and who is authorized to accept service for the above-named garnishee.

☐ **NOT FOUND:** After due and diligent search and inquiry, I am unable to find the party named above.

☐ **Special Circumstances:**

ACKNOWLEDGMENT OF SERVICE

Signature of Person served: Gail Muneoka

Print/Type Name: Gail Muneoka

In accordance with the **Americans with Disabilities Act** if you require an accommodation for your disability, please contact the District Court Administration Office at PHONE NO. 538-5121, FAX 538-5233, or TTY 539-4853 at least ten (10) working days in advance of your hearing or appointment date. For Civil related matters, please call 538-5151.

RETURN OF SERVICE MUST BE FILED NO LATER THAN 24 HOURS (EXCLUDING SATURDAY, SUNDAY AND LEGAL HOLIDAYS) PRIOR TO THE RETURN DATE AT 1111 ALAKEA STREET, CIVIL DIVISION, THIRD FLOOR, HONOLULU, HAWAII 96813.

*** FOR INTERNAL USE ONLY ***

RUN DATE: 07-28-2006

HAJIS CASE SUMMARY SHEET

PAGE: 1

CASE NO: 1RC03-1-004589

INIT DATE: 07-23-2003

ORIG DIST: KOOLAUPOKO

CAUSE OF ACTION: ASSUMPSIT

AMOUNT: \$9,700.00

COURT COST:

MILEAGE: \$-

FEE:

PLAINTIFF(S): (PL) GWEN E AUYONG

46-255 KAHUHIPA ST A1202
KANEHOE, HI 96744

DEFENDANT(S): (DF) JASON K BERINOBI

45-510 A PALEKA RD
KANEHOE, HI 96744

ATTORNEY(S) FOR PLAINTIFF(S):

(PRO SE) (PS) GWEN E AUYONG

ATTORNEY(S) FOR DEFENDANT(S):

(PRO SE) (PS) JASON K BERINOBI

-----COURT APPEARANCE SUMMARY-----

APPEARANCE DATE: 08-07-2003

JUDGE ID: JANY

ANSWER

B.RICHARDSON:PF (CD)

PLAINTIFF GWEN E. AUYONG PRESENT.

DEFENDANT JASON K. BERINOBI NOT PRESENT.

DEFAULT ENTERED.

BY ORDER OF THE COURT, JUDGMENT FOR THE PLTFF FOR:

AMOUNT CLAIMED \$9700.00

FILING FEE 120.00

SERVICE BY NON-SHERIFF

APPEARANCE DATE: 11-20-2003

JUDGE ID: JFKOYANAGI

MIGO TO: -INTERNAL REVENUE SERVICE-OAHU DIVISION
TAX OFFICE. -STATE OF HAWAII TAX OFFICE

OAHU DISTRICT OFFICE (NOT INDEBTED)

MIGO TO: -KOMOHANA CLEANING & MAINTENANCE SERVICES
-WINDWARD COMMUNITY FEDERAL CREDIT UNION

FKOYANAGI/WA (CD) (ANSWER)

PLAINTIFF GWEN AUYONG PRESENT. GARNISHEES

INTERNAL REVENUE SERVICE, STATE OF HAWAII TAX
OFFICE, KOMOHANA CLEANING & MAINTENANCE SERVICES,
AND WINDWARD COMMUNITY FEDERAL CREDIT UNION NOT
PRESENT. BY ORDER OF THE COURT, GARNISHEE ORDER
FOR (FUNDS/WAGES) GRANTED.

RUN DATE: 07-28-2006 HAJIS CASE SUMMARY SHEET PAGE: 2
CASE NO: 1RC03-1-004589 INIT DATE: 07-23-2003 ORIG DIST: KOOLAUPOKO

-----COURT DOCUMENT SUMMARY-----

DATE OF FILING: 07-23-2003 TIME OF FILING: 12:30 P.M.
COMPLAINT (ASSUMPSIT)

DATE OF FILING: 07-25-2003 TIME OF FILING: 3:30 P.M.
RETURN OF SERVICE RE: COMPLAINT; SUMMONS
THIRD PARTY SERVER: DOUGLAS S BROWN
SERVED TO: JASON K BERINOBIS, 7/24/2003
*
@ 45529 KEAHALA RD, KANEOHE, HI 96744
COURT DATE: 8/7/2003
MILEAGE: \$-

DATE OF FILING: 09-17-2003 TIME OF FILING: 12:30 P.M.
JUDGMENT
PRINCIPAL AMOUNT \$9,700.00
COSTS OF COURT \$ 120.00
TOTAL JUDGMENT AMOUNT \$9,820.00
DEFAULT ENTERED ON 8/7/03 WA

DATE OF FILING: 10-20-2003 TIME OF FILING: 1:50 P.M.
EX PARTE MOTION FOR ISSUANCE OF GARNISHEE SUMMONS
AFTER JUDGMENT; DECLARATION; NON-CONCLUSORY
DECLARATION; ORDER; EXHIBIT(S); GARNISHEE SUMMONS;
GARNISHEE INFO; DISCLOSURE FILED AND ISSUED
FOR \$9,820.00
ON KOMOHANA CLEANING & MAINTENANCE SERVICES
AND WINDWARD COMMUNITY FEDERAL CREDIT UNION
(WAGES AND FUNDS)

DATE OF FILING: 10-30-2003 TIME OF FILING: 8:03 A.M.
EX PARTE MOTION FOR ISSUANCE OF GARNISHEE SUMMONS
AFTER JUDGMENT; DECLARATION; NON-CONCLUSORY
DECLARATION; ORDER; EXHIBIT(S); GARNISHEE SUMMONS;
GARNISHEE INFO; DISCLOSURE FILED FOR
\$9,820.00. FKoyanagi/PF
GARNISHEE: INTERNATIONAL REVENUE SERVICE-OAHU
DIVISION TAX OFFICE, STATE OF HAWAII TAX OFFICE
OAHU DISTRICT OFFICE (FUNDS)

RUN DATE: 07-28-2006 HAJIS CASE SUMMARY SHEET PAGE: 3
CASE NO: 1RC03-1-004589 INIT DATE: 07-23-2003 ORIG DIST: KOOLAUPOKO

DATE OF FILING: 11-06-2003 TIME OF FILING: 1:41 P.M.
RETURN OF SERVICE RE: MIGS FILED ON 10/20/03
CIVIL DEPUTY: HAMILTON PIEPER
SERVED TO: WINDWARD COMMUNITY FEDERAL CREDIT UNION
ON 11/6/03 THRU VIVIAN JESSEE, KANEOHE BRANCH
MANAGER, AUTHORIZED TO ACCEPT SERVICE FOR THE
ABOVE-NAMED GARNISHEE @ 45-480 KANEOHE BAY DRIVE
KANEOHE HI 96744
COURT DATE: 11/20/03 MILEAGE: PARTIAL \$10 (25MI.)

DATE OF FILING: 11-06-2003 TIME OF FILING: 1:42 P.M.
RETURN OF SERVICE RE: MIGS FILED ON 11/6/03
CIVIL DEPUTY: HAMILTON PIEPER
SERVED TO: INTERNAL REVENUE SERVICE OAHU DIVISION
TAX OFFICE ON 11/6/03 THRU STEPHEN LEHTO,
REPRESENTATIVE AT THE US ATTYS' OFFICE, AUTHORIZED
TO ACCEPT SERVICE FOR THE ABOVE-NAMED GARNISHEE @
300 ALA MOANA BLVD STE 6100 HONOLULU HI 96850
COURT DATE: 11/20/03 MILEAGE: \$2.00 (5 MI.)

DATE OF FILING: 11-06-2003 TIME OF FILING: 1:42 P.M.
RETURN OF SERVICE RE: MIGS FILED ON 10/30/03
CIVIL DEPUTY: HAMILTON PIEPER
SERVED TO: STATE OF HAWAII TAX OFFICE OAHU
DIVISION OFFICE ON 11/6/03 THRU VALERIE HATA,
SECRETARY TO THE DIRECTOR OF TAXATION, AUTHORIZED
TO ACCEPT SERVICE FOR THE ABOVE-NAMED GARNISHEE @
830 PUNCHBOWL ST HONOLULU HI 96813
COURT DATE: 11/20/03 MILEAGE: \$2.00 (5 MI.)

DATE OF FILING: 11-12-2003 TIME OF FILING: 8:00 A.M.
RETURN OF SERVICE RE: MIGS FILED 10/20/03
CIVIL DEPUTY: HAMILTON PIEPER
SERVED TO: KOMOHANA CLEANING & MAINTENANCE SERVICE
THRU FLORENCE BUTLER, OFFICE MANAGER
AUTHORIZED TO ACCEPT SERVICE FOR SAID BUSINESS
@ 957 PUNCHBOWL ST HON HI 96813
COURT DATE: 11/20/03
MILEAGE: \$2.00, (5 MI)

DATE OF FILING: 11-17-2003 TIME OF FILING: 2:34 P.M.
NOTICE OF FILING OF NOTICE OF REMOVAL OF CIVIL
ACTION; EXHIBIT A; CERTIFICATE OF SERVICE FILED
BY ATTY THEODORE G MEEKER FOR RESPONDENT,
INTERNAL REVENUE SERVICE. JA

RUN DATE: 07-28-2006 HAJIS CASE SUMMARY SHEET PAGE: 4
CASE NO: 1RC03-1-004589 INIT DATE: 07-23-2003 ORIG DIST: KOOLAUPOKO

DATE OF FILING: 11-18-2003 TIME OF FILING: 4:03 P.M.
GARNISHEE DISCLOSURE OF DEPARTMENT OF TAXATION
STATE OF HAWAII FILED.
--NOT INDEBTED-- JA

DATE OF FILING: 11-25-2003 TIME OF FILING: 10:27 A.M.
RETURN OF SERVICE RE: AFDC NOTICE
SERVED BY: DOUGLAS S. BROWN
SERVED TO: JASON K. BERINOBIS ON 11/24/03 @
*
45-255 KAHUHIPA ST., KANEOHE, HI 96744
COURT DATE: --
MILEAGE: \$0

DATE OF FILING: 12-01-2003 TIME OF FILING: 11:01 A.M.
GARNISHEE ORDER FILED AND ISSUED TO
KOMOHANA CLEANING & MAINTENANCE SERVICES
WINDWARD COMMUNITY FEDERAL CREDIT UNION FOR
\$9,820.00 PLUS \$116.00 ADDED COSTS. FKROYANAGI/ZP

DATE OF FILING: 12-22-2003 TIME OF FILING:
ALL DOCUMENTS FORWARDED TO U.S. DISTRICT COURT,
VIA U.S. POSTAL SERVICE.

DATE OF FILING: 01-25-2005 TIME OF FILING: 11:40 A.M.
--DENIED--EX PARTE MOTION FOR ISSUANCE OF
GARNISHEE SUMMONS AFTER JUDGMENT; DECLARATION;
NON-CONCLUSORY DECLARATION; ORDER; EXHIBIT(S);
GARNISHEE SUMMONS; GARNISHEE INFORMATION FILED
BY PLAINTIFF GWEN E. AUYONG.

DATE OF FILING: 01-31-2005 TIME OF FILING: 10:41 A.M.
RETURN OF SERVICE RE: MIGS FILED 1/25/05
CIVIL DEPUTY: HAMILTON PIEPER
SERVED TO: AMERICAN SAVINGS BANK ON 1/27/05 THRU
DON LOYOLA, LEGAL ASSISTANT, AUTHORIZED TO ACCEPT
SERVICE FOR ABOVE-NAMED GARNISHEE @888 MILILANI
ST., 2ND FLR., HON., HI. 96813
COURT DATE: 2/10/05
MILEAGE: \$-0-

RUN DATE: 07-28-2006 HAJIS CASE SUMMARY SHEET PAGE: 5
CASE NO: 1RC03-1-004589 INIT DATE: 07-23-2003 ORIG DIST: KOOLAUPOKO

DATE OF FILING: 01-31-2005 TIME OF FILING: 10:41 A.M.
RETURN OF SERVICE RE: MIGS FILED 1/25/05
CIVIL DEPUTY: HAMILTON PIEPER
SERVED TO: DEPARTMENT OF EDUCATION ON 1/27/05 THRU
JANE Y. ODA, SECRETARY, AUTHORIZED TO ACCEPT
SERVICE FOR ABOVE-NAMED GARNISHEE @1390 MILLER ST.
3RD FLR., SUPERINTENDANT'S OFFICER, HON., HI.
COURT DATE: 2/10/05
MILEAGE: \$-0-

DATE OF FILING: 01-31-2005 TIME OF FILING: 10:41 A.M.
--DENIED--RETURN OF SERVICE AS TO MIGS FILED
10/30/03.
DENIED: ALL DOCUMENTS SUBMITTED TO U.S. DISTRICT
COURT. GKIBE

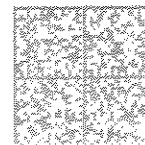
DATE OF FILING: 02-01-2005 TIME OF FILING: 3:37 P.M.
GARNISHEE DISCLOSURE RE: AMERICAN SAVINGS BANK
FILED --NOT INDEBTED-- EB

DATE OF FILING: 07-26-2006 TIME OF FILING: 12:08 P.M.
EX PARTE MOTION FOR INSSUANCE OF GARNISHEE SUMMONS
AFTER JUDGMENT;DECLARATION;NON-CONCLUSORY
DECLARATION;ORDER;EXHIBIT(S);GARNISHEE SUMMONS;
GARNISHEE INFORMATION FILED AND ISSUED FOR
\$6,670.02 ON DEPT OF EDUCATION
(WAGES) -BRICHARDSON/EM

Honolulu District Court
1111 Alakea Street
Honolulu, HI 96813

Clerk of the United States District
Court
300 Ala Moana Boulevard Room
C338
Honolulu, HI 96850

PRESORTED
FIRST CLASS



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